

REMARKS

Claims 1-32 are pending in this application. By this Amendment, claims 1, 2, 5, 8, 9, 14, 16, 17, 20, 23, 24, 29, 31 and 32 are amended. No new matter is added by the above amendments.

The Office Action rejects claim 1 under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. The Office Action objects to use of the word "can" in claim 1, although it does not object to its use in the other independent claims. The Office Action cites MPEP §2173.05(d). This section of the MPEP says nothing about the use of the word "can." Although Applicant submits that the claim was clear, all independent claims of this application have been amended to eliminate the word "can." Withdrawal of the rejection is requested.

Claims 1-32 stand rejected under 35 U.S.C. §101. This rejection is respectfully traversed.

As explained in detail in the specification of this application, providing an output from which a user can determine whether the substrate suffers from wafer-induced-shift, as recited in independent claims 1, 8, 16 and 23 is a tangible result, for example, because it is useful in that it can be used by the user to determine whether compensation should be made due to the wafer-induced-shift. See, for example, paragraphs [0013] and [0015]. Thus, Applicant respectfully disagrees with the Office Action's assertion that the output recited in claims 1, 8, 16 and 23 does not "constitute a tangible result." Similarly, Applicant respectfully submits that the claim 31 recitation of "calculates a vector-trend illustrating a relationship between changes in overlay deviation values and changes in focus position of the substrate ...," and the claim 32 recitation of "determining a shift in wafer-induced-shift by comparing the first relationship with the second relationship" are tangible results, for example, because it is useful in that it can be used by the user to determine whether

compensation should be made. Nonetheless, the independent claims of this application have been amended to clarify that a user-readable output is generated. Clearly, the generation of a user-readable output as recited in the various independent claims is a tangible result.

Furthermore, independent claims 1, 8 and 31 recite structure (a controller) that performs various functions, and thus are *per se* directed to statutory subject matter. Claim 8 also recites numerous other structure, and claim 23 recites numerous manipulative steps. Furthermore, dependent claims 2, 5, 9, 14, 17, 20, 24 and 29 recite a display that displays one or more vector-maps which are disclosed as being a useful, tangible result. Accordingly, withdrawal of the rejection under 35 U.S.C. §101 is requested.

In view of the foregoing, Applicant respectfully submits that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,



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